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REMB 7-10-01
Patent Application
Attorney Docket No.: 47004.000086
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Kevin M. Sullivan)

Appln. No.: 09/761,763)

Filed: January 18, 2001)

For: SYSTEM AND METHOD FOR)
ADMINISTERING A BROKERAGE)
REBATE PROGRAM)

) Group Art Unit: Not Assigned

) Examiner: Not Assigned

Assistant Commissioner
for Patents
Washington, D.C. 20231

Declaration
attached.
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INFORMATION DISCLOSURE STATEMENT

5-13-03

Sir:

In accordance with the duty under 37 C.F.R. § 1.56 of each individual associated with the filing and prosecution of the above-identified patent application (hereinafter, "associated individuals") to disclose all information known to that individual to be material to patentability, Applicant(s) hereby submits attached Form PTO-1449 (modified) listing cited references. This submission is made in accordance with 37 C.F.R. §§ 1.97 and 1.98 and § 609 of the Manual of Patent Examining Procedure.

Applicant(s) hereby expressly reserves the right to swear behind the effective dates of any of the cited references. Applicant(s) further reserves the right to question the relevance, materiality, and/or prior art status of any of the cited references in whole, in part, or in

combination, subsequent to the filing of this information disclosure statement. This information disclosure statement is also not to be construed as a representation that a search has, or has not, been conducted or that no better art exists.

The Examiner is respectfully requested to consider each of the cited references, to indicate such consideration by initialing in the space provided next to each cited reference on the enclosed Form PTO-1449 (modified), to sign the initialed Form PTO-1449 (modified), and to return a copy of the same with the next communication to the Applicant(s).

For the convenience of the Examiner in considering the cited references, a copy of each of the cited references is enclosed with this communication. In considering the cited references, it may be noted by the Examiner that certain of the references may contain markings, underlinings, and/or other notations. These markings, underlinings, and/or other notations are not to be construed as drawing the Examiner's attention either to selected parts or away from other parts of the cited references. Any such markings were either present on the copies of the cited references obtained by the associated individuals, or were made thereon during the study of the references by the associated individuals.

The Form PTO-1449 also identifies copending applications of the assignee (copies enclosed). By cross reference to the copending applications of the assignee, confidentiality of the subject matter of the copending applications is not waived and the U.S. Patent and Trademark Office is requested to maintain the confidentiality of the pending applications under 35 U.S.C. § 122.

Finally, the Form PTO-1449 also identifies the Declaration of Kevin M. Sullivan (submitted herewith) for the consideration of the Examiner. The Declaration describes a

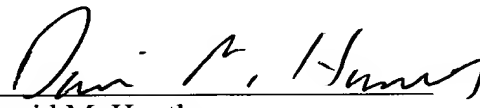
meeting ("Meeting") between First USA Bank (the organization with which Mr. Sullivan is presently affiliated) and another company, referred to generically in the Declaration as "Company X." In that Meeting, First USA Bank distributed an outline describing certain aspects of a Free Trades Program to at least one representative of Company X. A copy of this outline is submitted herewith as Exhibit B (with the actual name of Company X redacted from the copy). This outline is not believed to constitute a printed publication under Section 102(b) because its distribution to Company X was restricted by a confidentiality agreement (note Exhibit A). Nevertheless, the Declaration and accompanying Exhibits are being submitted in compliance with the duty of disclosure, so that the prosecution record reflects the existence of the Meeting for the Examiner's independent consideration thereof:

In accordance with 37 CFR § 1.97(b), this information disclosure statement is being filed (i) within three months of the filing date of the above-identified patent application; (ii) within three months of the date upon which the above-identified patent application entered the national stage as set forth in 37 CFR § 1.491; or (iii) before the mailing date of a first Office Action on the merit for the above-identified patent application. Accordingly, no statement or fee is required.

Please charge any shortage in fees due in connection with the filing of this communication to Deposit Account No. 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

HUNTON & WILLIAMS

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